

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DARRYL KEVIN SAWYER,

Petitioner,

v.

RICHARD MORGAN,

Respondent.

No. CR04-2373P

ORDER DISMISSING §2254  
PETITION WITH PREJUDICE

This matter comes before the Court on Petitioner's writ of *habeas corpus*. Having considered Petitioner's writ, Magistrate Judge Donahue's Report and Recommendation on Petitioner's writ, Petitioner's Objections to the Magistrate's Report and Recommendation, and all other pertinent records and documents, the Court does hereby find and Order:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's petition for a writ of *habeas corpus* (Dkt. No. 1) is DISMISSED with prejudice.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for Respondent, and to Judge Donahue.

Dated: May 19th, 2005.

/s/ MarshaJ. Pechman  
Marsha J. Pechman  
United States District Judge